

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

MONTE C. STAFFORD, #290328 §

VS. § **CIVIL ACTION NO. 5:10cv35**

JUDITH MCKAY, ET AL. §

ORDER OF DISMISSAL

Plaintiff Monte C. Stafford, an inmate confined at the Telford Unit of the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil action pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Caroline Craven, who issued a Report and Recommendation concluding that the Defendants' motion for summary judgment should be granted. The Plaintiff filed a response indicating that he did not desire to file objections and that he wanted to voluntarily dismiss the lawsuit.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is further noted that the lawsuit may be dismissed at the Plaintiff's request at this juncture only on terms that the Court considers proper. Fed. R. Civ. P. 41(a)(2). The Court is of the opinion that the lawsuit should be dismissed as recommended by the Magistrate Judge. It is accordingly

ORDERED that the Defendants' motion for summary judgment (docket entry #38) is **GRANTED**. It is further

ORDERED that the Plaintiff's motion to voluntarily dismiss civil action (docket entry #46) is **GRANTED**. It is further

ORDERED that the complaint is **DISMISSED** with prejudice. It is finally

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 28th day of October, 2010.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE